

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA**

**KEITH LOWE,**

**Plaintiff,**

**v.**

**Civ. Act. No: 2:25cv272**

**SUPERINTENDENT JOHN FRAME,  
ACTING COMMISSIONER LANCE YARDLEY,  
TIMOTHY THISTLETHWAITE, MD,  
and PSIMED CORRECTIONS, LLC,**

**Defendants.**

**UNOPPOSED MOTION TO PERMIT REMOTE TESTIMONY BY VIDEO**

COMES NOW Plaintiff Keith Lowe, by counsel, and moves this Court to (1) allow Mr. Lowe to appear remotely by video for the preliminary injunction hearing set for Wednesday, May 14, 2025, at 2:00 p.m., to both observe the proceedings and to testify; and (2) allow Mr. Lowe to call his expert witness to testify remotely at that hearing. Defendants have been consulted and do not oppose this motion; indeed, Defendants Frame and Yardley also prefer that Mr. Lowe appear by video rather than in person. In support of this motion, Plaintiff states as follows:

Plaintiff is incarcerated at Mount Olive Correctional Complex, in Fayette County, West Virginia. Transporting Plaintiff to Charleston for the preliminary injunction hearing would require the Division of Corrections to devote significant resources, including diverting numerous staff from their regular duties. Mr. Lowe has experience attending hearings remotely and would also prefer that method in this instance. By appearing via video, Mr. Lowe will be available to be examined and cross examined by all counsel, and the Court will be able to view Mr. Lowe as he responds to questions.

Mr. Lowe similarly requests that his expert witness, Dr. Stuart Grassian, be permitted to appear and testify via video conference. Dr. Stuart Grassian, board certified psychiatrist and expert on the mental health impacts of solitary confinement, resides in Massachusetts. Counsel for Mr. Lowe retained Dr. Grassian<sup>1</sup> on Tuesday, May 6, 2025, upon learning that Mr. Lowe's prior expert witness, Dr. Sophia Sami, will not be available to testify on May 14, 2025. Dr. Grassian is available to testify on May 14<sup>th</sup>, but only if he can appear remotely by video. The defendants have stated that they do not oppose Plaintiff's request in this regard either.

WHEREFORE, Plaintiff respectfully requests that this Court grant his motion to allow his expert, Dr. Stuart Grassian, to testify remotely by video, and to allow Plaintiff himself to attend the hearing and testify remotely by video from MOCC.

Respectfully Submitted  
PLAINTIFF KEITH LOWE,  
By counsel:

/s/ Lydia C. Milnes

Lydia C. Milnes (WV Bar No. 10598)

Lesley M. Nash (WV Bar No. 14158)

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*Counsel for Plaintiff*

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<sup>1</sup> Dr. Grassian will produce a brief report and curriculum vitae prior to the May 14, 2025, hearing.